

Amend 14 CCR § 895 Abbreviations Applicable throughout Chapter.

IWMA Interim Watershed Mitigation Addendum.

This abbreviation shall expire December 31, 2003.

Note: Authority cited: Sections 4551, 4551.5, and 21082, Public Resources Code. Reference: Sections 4511, 4513, 4521.3, 4522.5, 4523-4524, 4525.3, 4525.5, 4525.7, 4526, 4526.5, 4527, 4527.5, 4528, 4551, 4551.5, 4552, 4582, and 2180.5, Public Resources.

Amend 14 CCR § 895.1 Definitions

"Limiting Factors for Anadromous Salmonids" means those factors that are critical to any freshwater or estuarine life stage of anadromous salmonids. These factors include, but are not limited to, water quality, water quantity, sedimentation, water temperature, large woody debris, and nutrients.

This definition shall expire December 31, 2003.

"Watercourse Order" is a hierarchy ordering of watercourses based on the degree of branching. A first order watercourse is an unforked or unbranched watercourse. Two first order watercourses combine to make a second order watercourse. Two second order watercourses combine to make a third order watercourse. When watercourses of equal order meet they form the next higher order watercourse.

Note: Authority cited: Sections 4551, 4551.5, 4553, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: Sections 4512, 4513, 4526, 4551, 4551.5, 4561, 4562, 4562.5, 4562.7, and 4591.1, Public Resources Code. Reference: 4512, 4512, 4526, 4551, 4551.5, 4561, 4561.5, 4561.6, 4562, 4562.5, 4562.7, 4583.2, 4591.1; 21001(f), 21080.5, 21083.2, and 21084.1, Public Resources Code; CEQA Guidelines Appendix K (printed following Section 15387 of Title 14 California Code of Regulations), and *Laupheimer v. State* (1988) 200 Cal.App. 3d 440: 246 Cal Rptr. 82.

Adopt 14 CCR §§ 916.13 [936.13, 956.13] Interim Watershed Mitigation Addendum (IWMA).

(a) The timberland owner, or his/her agent, proposing the IWMA shall identify the limiting factor(s) for anadromous salmonids that may be effected by conditions within the evaluation area.

1 (b) The IWMA timberland owner, or his/her agent, shall identify site-specific watershed conditions within the
2 evaluation area that contribute or are likely to contribute to limiting factors for anadromous salmonids.

3 (c) The IWMA shall propose mitigation measures to address site specific watershed conditions within the evaluation
4 area that contribute or are likely to contribute to the existing limiting factors and,

5 (d) Implementation and initial effectiveness of the mitigation measures shall be evaluated through an expanded work
6 completion report process set forth in 14 CCR § 916.13.6.

7 (e) This section shall expire December 31, 2003.

8 NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections
9 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100,
10 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense*
11 *Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A: 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200
12 Cal. App. 3d; Cal. Rptr. 82.

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14 **Adopt 14 CCR §§ 916.13.1 [936.13.1, 956.13.1] Consultation.**

15 The timberland owner, or his/her agent, proposing the IWMA shall confer, early in the process of developing the
16 IWMA, with the California Department of Forestry and Fire Protection, the Department of Conservation; California
17 Geological Survey, the appropriate California Regional Water Quality Control Board, the California Coastal
18 Commission (if the evaluation area includes portions of a Coastal Zone Special Treatment Area), the California
19 Department of Fish and Game, the county (if the county has had special rules adopted by the Board), the Department
20 of Parks and Recreation (if the evaluation area includes or is adjacent to state park lands), and the California Tahoe
21 Regional Planning Agency (if any portion of the evaluation area is within the Tahoe Basin). The IWMA timberland
22 owner or his/her agent shall request participation of the National Marine Fisheries Service (NMFS). The consultation
23 will provide the IWMA timberland owner, or his/her agent, the opportunity to identify issues and concerns associated
24 with the interaction of site specific watershed conditions in the IWMA evaluation area and limiting factors for
25 anadromous salmonids.

This section shall expire December 31, 2003

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.2 [936.13.2, 956.13.2] IWMA Evaluation Area.

The IWMA evaluation area shall be:

(a) No smaller than a watershed containing a third order watercourse.

(b) No larger than a CalWater (CALWATER: A STANDARDIZED SET OF CALIFORNIA WATERSHEDS – revised 07/06/94) 2.2 planning watershed, except a larger IWMA evaluation area may be used when explained and justified in the IWMA, and approved by the Director.

(c) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.3 [936.13.3, 956.13.3] Contents of IWMA

An IWMA shall include the following information for the evaluation area, with primary emphasis on the area owned, controlled, or leased by the landowner:

(a) A USGS topographic map, or the equivalent, clearly showing the evaluation area; the area within the evaluation area owned, controlled, or leased by the landowner; and the location of the evaluation area.

(b) A problem statement identifying:

(1) The limiting factors for anadromous salmonids that may be affected by conditions within the evaluation area.

(2) Site-specific watershed conditions within the evaluation area that contribute or are likely to contribute to the limiting factors for anadromous salmonids, and

(3) The results of consultations, the authorities referenced or consulted, and a description of the fieldwork conducted to make the determinations identified in 14 CCR §§ 916.13.3(b)(1) and (2) [936.13.3(b)(1) and (2), 956.13.3 (b)(1) and (2)].

(c) A map or list of the specific sites identified in 14 CCR §§ 916.13.3(b)(2) [936.13.3(b)(2), 956.13.3(b)(2)].

(d) A summary of findings and conclusions describing the association between existing site-specific watershed conditions within the evaluation area that affect the limiting factors for anadromous salmonids identified in 14 CCR § 916.13.3(b), and the proposed management activities. Proposed mitigation measures addressing the sites identified in 14 CCR §§ 916.13.3(b)(2) [936.13.3(b)(2), 956.13.3(b)(2)] and a description of how the proposed mitigation measures will address conditions that affect limiting factors for anadromous salmonids at those sites.

(e) The proposed evaluation methodology for the implementation and initial effectiveness of the mitigation measures.

(f) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.4 [936.13.4, 956.13.4] Standards for IWMA Preparation.

The standards for the preparation of an IWMA are as follows:

(a) The timberland owner, or his/her agent, shall provide documentation of the information and evaluation approaches used to reach the findings and mitigation measures presented. The information and evaluation methods must be adequate to support the findings and proposed mitigation measures. Scientifically or professionally accepted approaches shall be used.

1 (b) The IWMA shall include information sufficient to support application and effectiveness of the mitigation measures
2 proposed in the IWMA.

3 (c) The sufficiency of information or evaluation included in the IWMA shall be guided by the principles of practicality
4 and reasonableness considering the size of the timberland owner's ownership within the evaluation area, lawful
5 access to various parts of the evaluation area, the cost of collecting new information and the risks to anadromous
6 salmonids posed by the scope and intensity of anticipated management activities.

7 (d) The IWMA will incorporate the most recently available pertinent information at the time of plan submittal.
8 Future IWMA's submitted in the same evaluation area must reflect any significant changes in watershed conditions
9 within the evaluation area or limiting factors for anadromous salmonids since the submission of a prior IWMA and any
10 new pertinent information that has become available.

11 (e) This section shall expire December 31, 2003.

12 NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections
13 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100,
14 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense*
15 *Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200
16 Cal. App. 3d; Cal. Rptr. 82.

17
18 **Adopt 14 CCR §§ 916.13.5 [936.13.5, 956.13.5] Submission of an IWMA as Part of a Plan**

19 (a) The IWMA may only be submitted to the Department as an addendum to be incorporated in the plan at the
20 time of submission.

21 (b) An IWMA should be submitted in a standard digital format acceptable to the Department to facilitate review
22 and the development of an electronic information base for the future assessment efforts on the subject watersheds.

23 (c) To the extent consistent with the goal of every timber operation being planned and conducted to prevent
24 deleterious interference with the watershed conditions that primarily limit the values set forth in 14 CCR §§ 916.2
25 [936.2, 956.2](a) (e.g. sediment load increase where sediment is a primary limiting factor, thermal load increase
where water temperature is a primary limiting factor; loss of instream large woody debris or recruitment potential

where lack of this value is a primary limiting factor; substantial increase in peak flows or large flood frequency when peak flows or large flood frequency are primary limiting factors), the Director may accept proposed mitigation measures for site specific watershed conditions identified in 14 CCR §§ 916.13.3 (b)(2) [936.13.3(b)(2), 956.13.3(b)(2)] in place of the operational rules in 14 CCR §§ 916.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r) [936.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r); 956.9(c), (e), (f), (g), (i), (j), (k), (m), (n), (q), (r)] and 923.9(b), (c) [943.9(b), (c); 963.9(b), (c)].

(d) This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

Adopt 14 CCR §§ 916.13.6 [936.13.6, 956.13.6] Compliance Monitoring and Expanded Completion Report.

In addition to the requirements of Public Resources Code § 4585, at the conclusion of operations, the timber owner or owner's agent shall file a work completion report that lists IWMA-proposed mitigation measures incorporated in the THP and confirms their implementation. The information provided by the timber owner or owner's agent shall be verified through inspections conducted by the Department in coordination with other review team agencies. The timberland owner shall submit a report on the initial effectiveness of the IWMA mitigation measures incorporated into the THP within one year following completion of timber operations.

This section shall expire December 31, 2003.

NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer*

1 v. State (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

3 **Adopt 14 CCR §§ 916.13.7 [936.13.7, 956.13.7] Subsequent Plans within the IWMA Area.**

4 Once a plan incorporating an IWMA has been approved, subsequent plans within that IWMA evaluation area may
5 incorporate the IWMA.

6 This section shall expire December 31, 2003.

7 NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference:
8 Sections 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code;
9 Sections 100, 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources*
10 *Defense Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State*
11 (1988) 200 Cal. App. 3d; Cal. Rptr. 82.

13 **Adopt 14 CCR §§ 916.13.8 [936.13.8, 956.13.8] Equivalent Analysis.**

14 (a) The provisions of 14 CCR § 916.13 [936.13, 956.13] do not apply to a plan that is subject to an incidental
15 take permit for anadromous salmonids upon an approved Habitat Conservation Plan that addresses anadromous
16 salmonid protection.

17 (b) The portions of an approved SYP, PTEIR or NTMP that assesses the limiting factors for anadromous
18 salmonids and the watershed conditions within the IWMA evaluation area consistent with 14 CCR §§ 916.13-
19 916.13.7[936.13-936.13.7, 956.13-956.13.7] may be submitted as an IWMA.

20 (c) This section shall expire December 31, 2003.

21 NOTE: Authority cited: Sections 4551, 4562.7, 21000(g), 21080.5, Public Resources Code. Reference: Sections
22 751, 4512, 4513, 4551.5, 4582.6, 21000(g), 21001(b), 21002.1, and 21080.5, Public Resources Code; Sections 100,
23 1243, 13050(f) Water Code; and Sections 1600 and 5650(c), Fish and Game Code; *Natural Resources Defense*
24 *Council, Inc. v. Arcata Natl. Corp.* (1976) 59 Cal. A; 3d 959; 131 Cal. Rptr. 172; and *Laupheimer v. State* (1988) 200
25 Cal. App. 3d; Cal. Rptr. 82.

1 **JLM**

2 File: IWMA

3 Date: 5/31/02

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